

Human Resources Department

**Impasse Hearing and Implement Last,  
Best & Final Offer of City's Mandatory  
COVID-19 Vaccination Policy as to San  
Diego Police Officers Association**

**Item #600:**

November 29, 2021

# Overview

- Impacts of COVID-19
- Mandatory COVID-19 Vaccination Policy
- Impasse Procedure
- Staff Recommendations

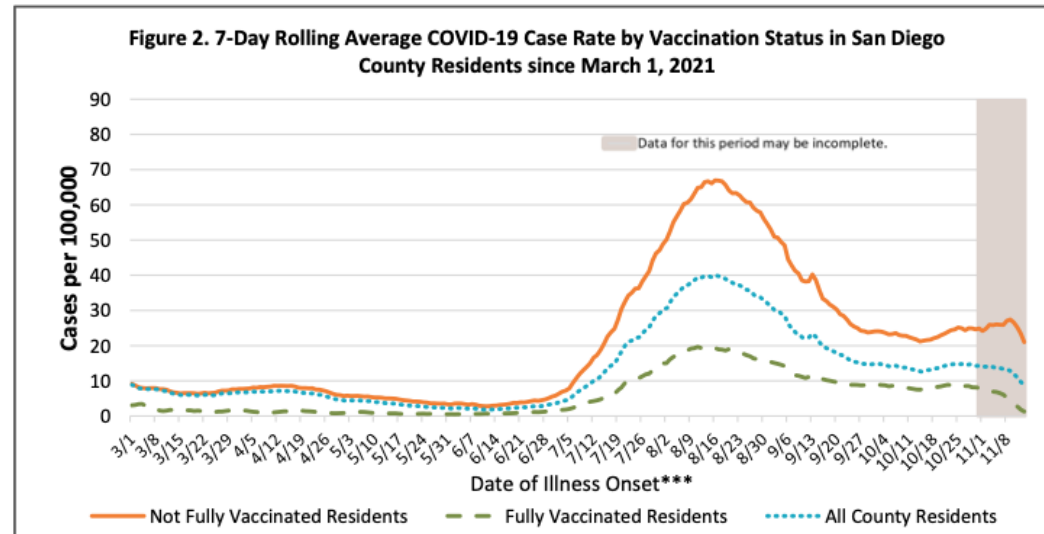
# Impacts of COVID-19 on the City of San Diego

## Public Health and Safety Concerns:

- COVID-19 continues to pose a substantial threat to public health and safety, especially for those who are not fully vaccinated against COVID-19, according to:
  - The U.S. Centers for Disease Control and Prevention,
  - The California Department of Public Health,
  - The San Diego County Health and Human Services Agency.
- March 17, 2020 – Council approved Mayor’s proclamation of a state of emergency.

# COVID Impacts on the County of San Diego

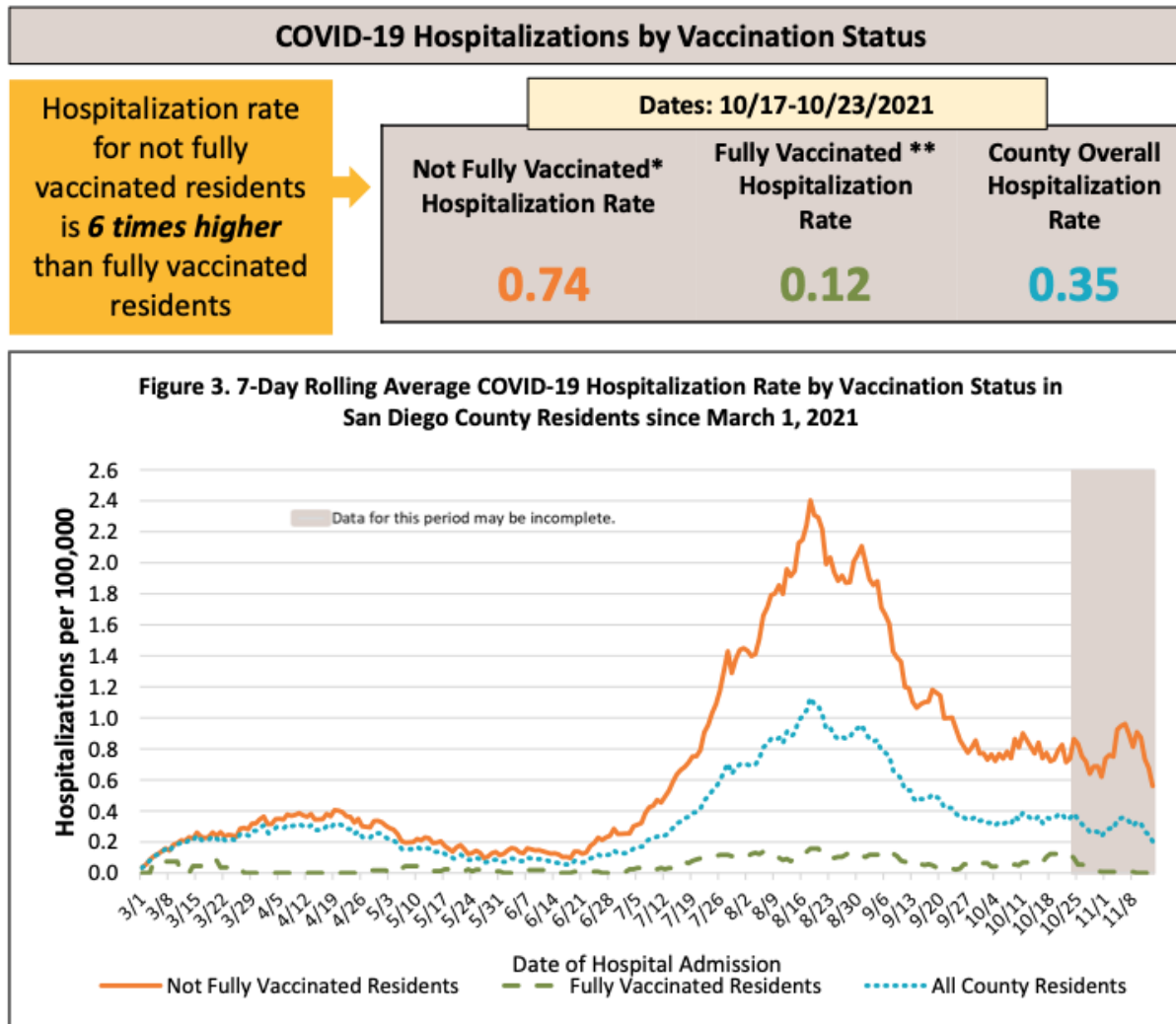
COVID-19 Infections by Vaccination Status			
Case rate for not fully vaccinated residents is <b>3 times higher</b> than fully vaccinated residents			
Dates: 10/24-10/30/2021			
Not Fully Vaccinated* Case Rate	Fully Vaccinated** Case Rate	County Overall Case Rate	
24.6	8.1	14.2	



**Table 2. COVID-19 Cases Among San Diego County Residents by Vaccination Status from March 1, 2021 to October 30, 2021**

	Not Fully Vaccinated*	Fully Vaccinated**	Total
Cases	80,897 (74.6%)	27,484 (25.4%)	108,381
Hospitalizations	2,794 (93.2%)	205 (6.8%)	2,999
Deaths	435 (85.6%)	73 (14.4%)	508

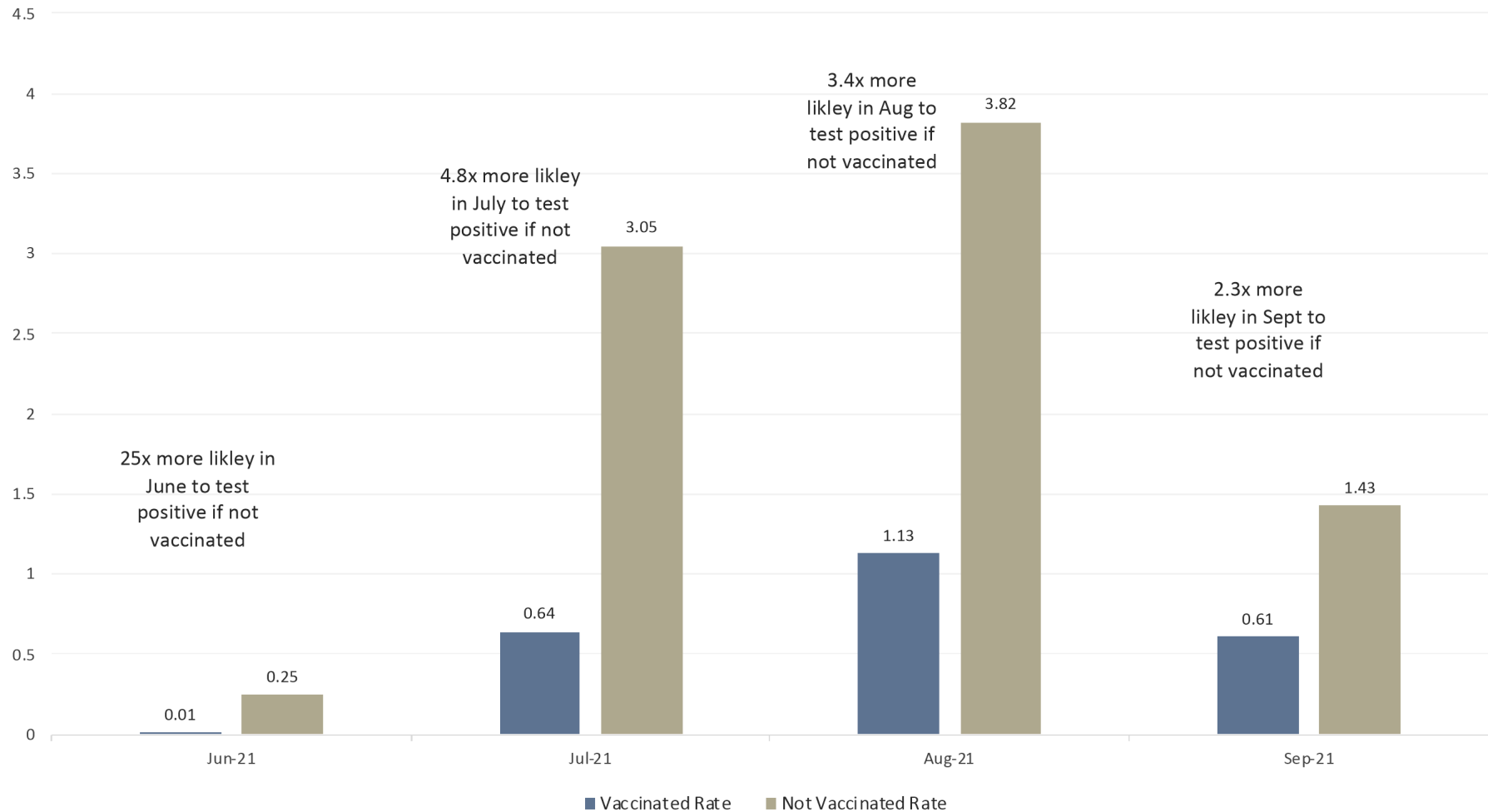
# COVID Impacts on the County of San Diego



Data through 11/13/2021: <https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/COVID-19%20Watch.pdf>

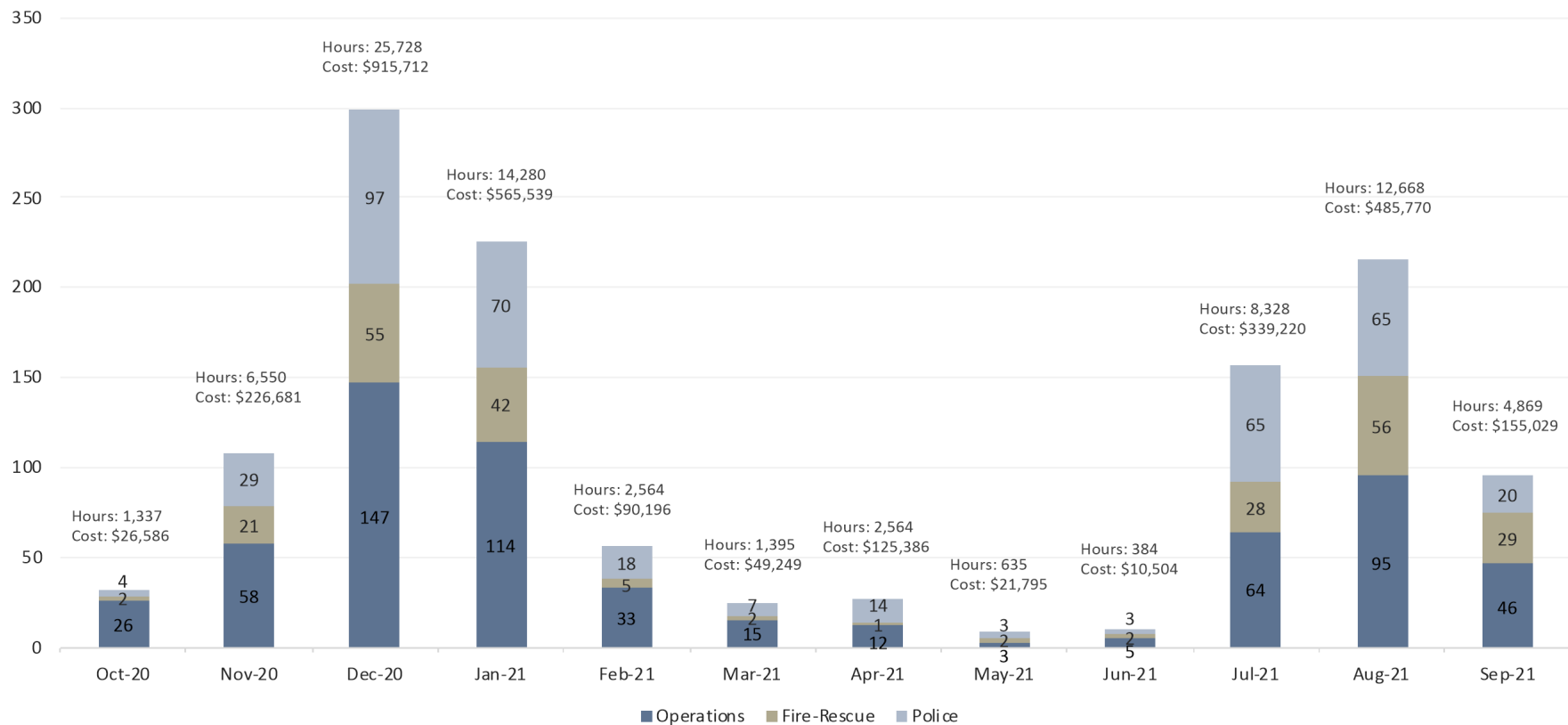
## Rate of Vaccinated vs. Unvaccinated City Employees Testing Positive

June 2021 - September 2021



## Total Positives Citywide with Lost Work Hours and Associated Cost

October 2020 - September 2021



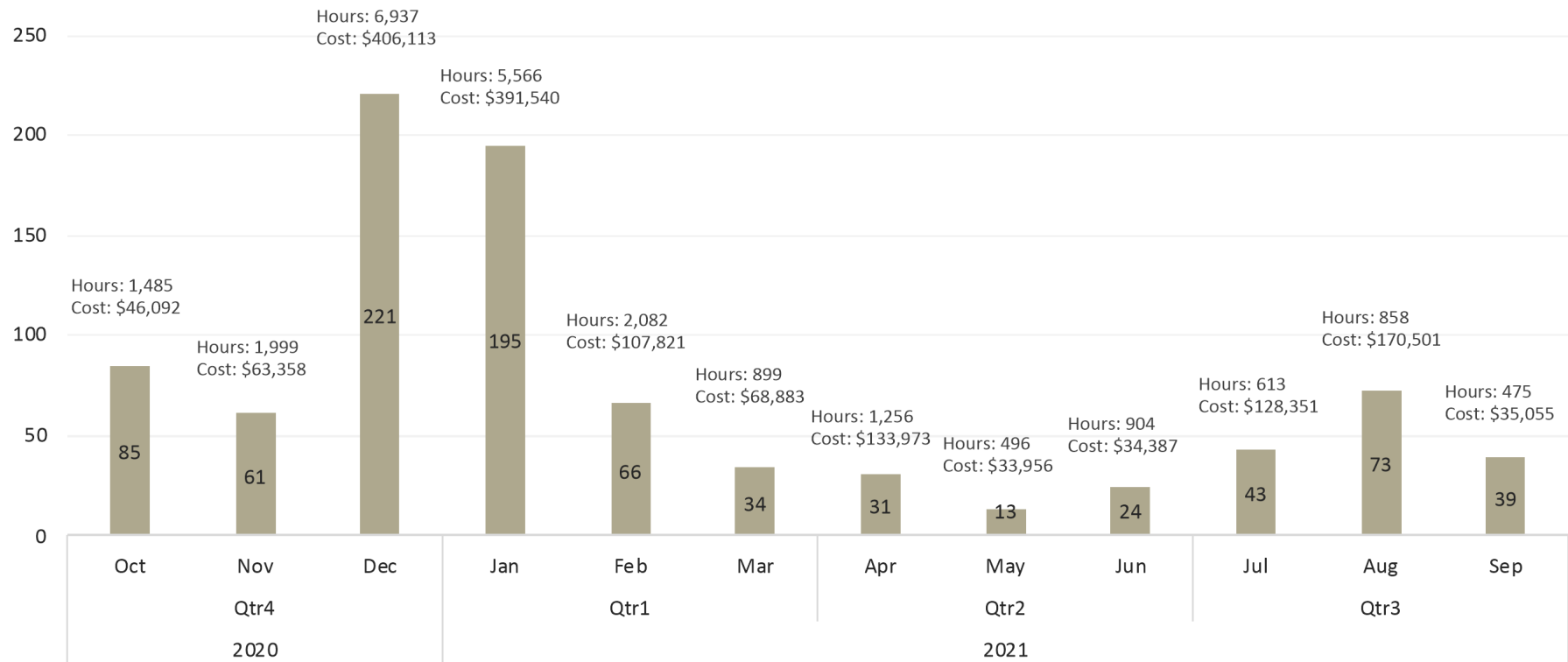
Number of Positive Employees who Utilized COVID Leave = 938

Total Hours of COVID Leave = 81,300

Total Cost of COVID Leave = \$3,054,248

## Total Exposed Employees Citywide with Lost Work Hours and Associated Cost

October 2020 - September 2021



Number of Exposed Employees who Utilized COVID Leave = 446

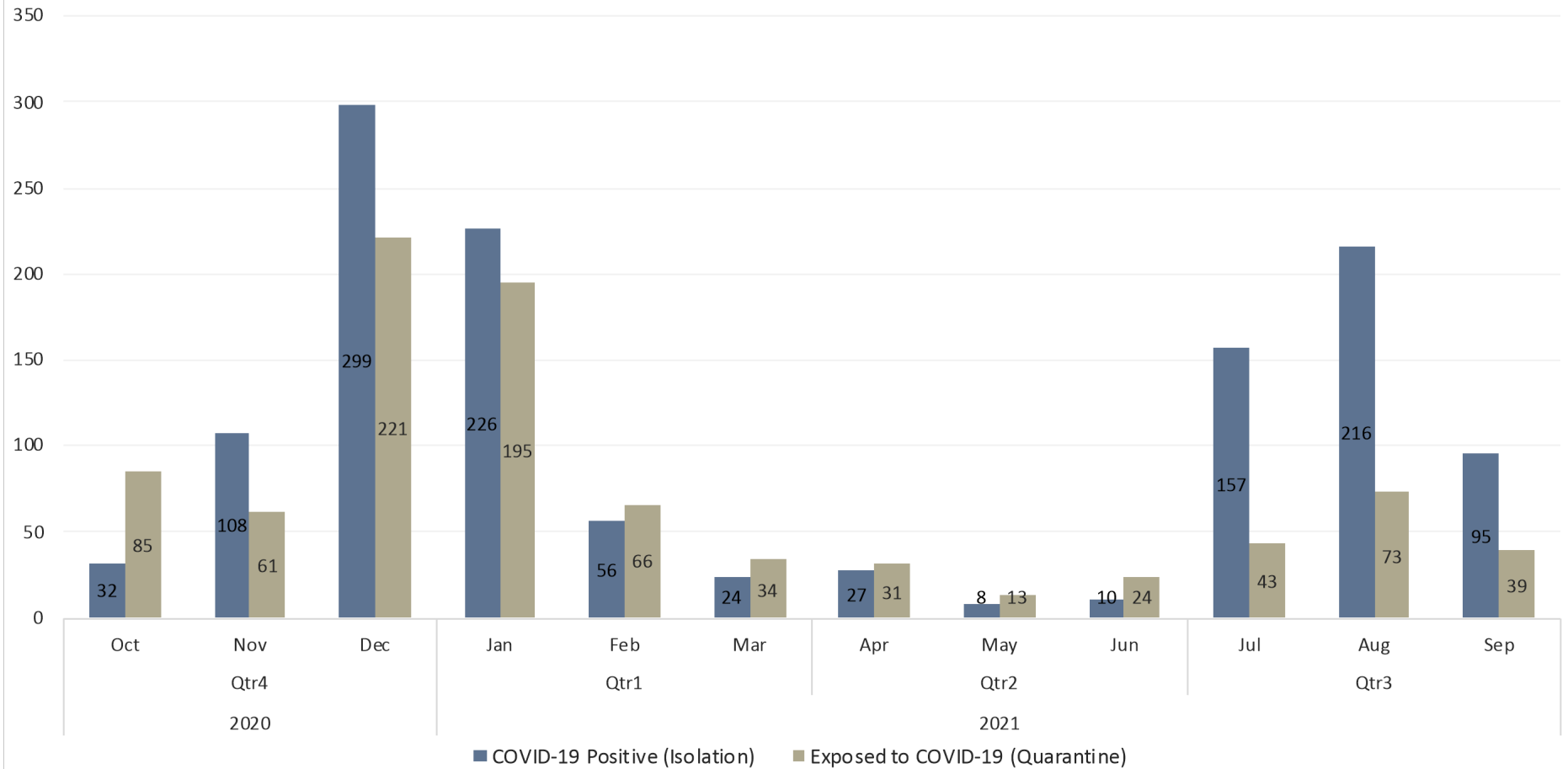
Total Hours of COVID Leave = 23,570

Total Cost of COVID Leave = \$593,882



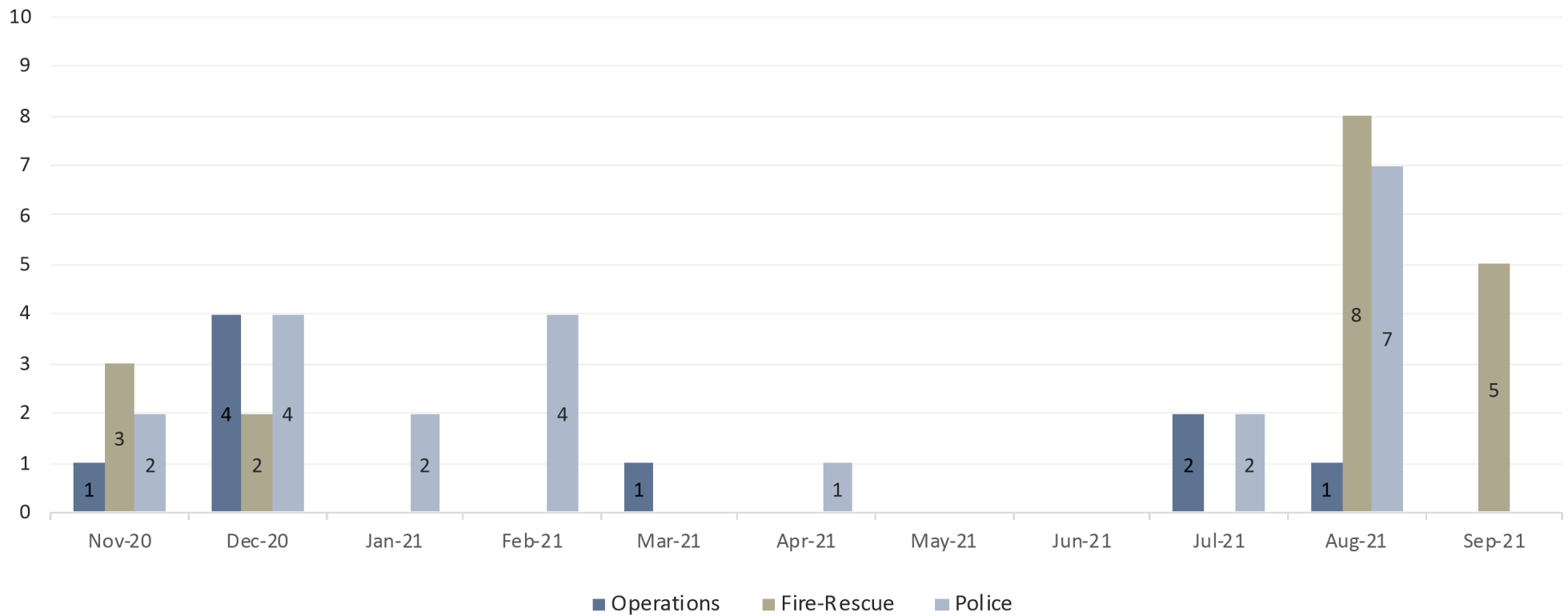
## Citywide Positive and Exposed Employees

October 2020 - September 2021



## Outbreaks Citywide by Month

October 2020 - September 2021



Cal/OSHA Defined Outbreaks = 3 or more positive employees in the same work area in a 14-day period.

# Vaccination Status of City Employees

Status	Number of Employees	Percentage
Fully Vaccinated	8,593	80.6%
Not Fully Vaccinated	2,062	19.4%

Bargaining Unit (total employees)	Number of unvaccinated employees	% of unvaccinated employees
<b>POA</b> (1,900)	709	37.3%
<b>MEA</b> (4,933)	657	13.3%
<b>Local 127</b> (1,689)	486	28.8%
<b>Local 145</b> (916)	147	16.0%
<b>Local 911</b> (107)	11	10.3%
<b>Unclassified</b> (696)	33	4.7%
<b>Classified/Unrepresented</b> (253)	14	5.5%
<b>DCAA</b> (161)	5	3.1%

Data as of November 23, 2021 and does not include employees who are out on extended leave.

# Reasonable Accommodation Requests

Reasonable Accommodations (RA) Requests Received to Date:

Bargaining Unit (total employees)	Number of Unvaccinated		% of Unvaccinated Employees with RA Requests
	Employees	Number of RA Requests	
<b>POA</b> (1,900)	709	167	23.6%
<b>MEA</b> (4,933)	657	137	20.9%
<b>Local 127</b> (1,689)	486	66	13.6%
<b>Local 145</b> (916)	147	9	6.1%
<b>Local 911</b> (107)	11	3	27.3%
<b>Unclassified</b> (696)	33	8	24.2%
<b>Classified/Unrepresented</b> (253)	14	3	21.4%
<b>DCAA</b> (161)	5	1	20.0%

Data as of November 23, 2021 and does not include employees who are out on extended leave.

## What is the Policy?

- “Fully vaccinated” –
  - A person has received, at least 14 days prior, either the second dose in a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine.
  - Acceptable COVID-19 vaccines must be approved by the FDA or authorized for emergency use by the FDA or the WHO.

## Policy Covers

- Current employees must be fully vaccinated and provide proof by December 1, 2021, as a condition of continued employment:
  - unclassified/unrepresented employees,
  - classified/unrepresented employees,
  - employees represented by a Recognized Employee Organization

## Policy Covers

- Others required to be fully vaccinated by December 1, 2021:
  - New Hires – must comply with the Policy before their start date, and it is a minimum requirement of the job.
  - Elected Officials
  - Boards and Commissioners
  - Authorized Volunteers
- City Contractors required to be fully vaccinated by January 3, 2022

## Impasse Procedure

- Council Policy 300-06 is consistent with state law which provides that the City Council, as the legislative body, has the exclusive authority to resolve an impasse between the City and a recognized employee organization.



## Impasse Procedure

- October 22, 2021 – City declared impasse in accordance with Council Policy 300-06 and issued the statement of disputed.
- November 9, 2021 - Parties conducted impasse meeting.
- November 15, 2021 - City issued the Last, Best & Final Offer (LBFO) to POA.

# Disputed Issues

## Item #1:

- City's Position – Employee is subject to termination for failure to comply with Mandatory COVID-19 Vaccination Policy.
- POA's Position – COVID-19 testing option for any employee in lieu of termination, and that the City consider lower forms discipline for non-compliance.

# Disputed Issues

## Item #2:

- City's Position – All reasonable accommodation requests are handled on a case-by-case basis consistent with federal and state law and does not guarantee an employee an accommodation.
- POA's Position – Requested the City commit, in advance, to finding a reasonable accommodation for all POA members who have a medical condition or religious belief that prevents them from being vaccinated.

# Disputed Issues

## Item #3:

- City's Position - The City rejected POA's request to have an appeal for denial of reasonable accommodation.
- POA's Position– Requested an appeal process for denial of reasonable accommodation.

## Staff Recommendation

- Approve the resolution to implement the City's LBFO to the POA regarding the Mandatory COVID-19 Vaccination Policy, pursuant to the MMBA and Council Policy 300-06.

## Fiscal Consideration

- The cost of COVID-19 to the City of San Diego from October 1, 2020, to September 30, 2021, due to lost work time for COVID-19 positive and exposed employees is approximately \$3,648,130.
- Additional fiscal impacts are anticipated with providing reasonable accommodations on a case-by-case basis in accordance with the law. However, the fiscal impacts are currently unknown.

Thank you!